

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----In the Matter of----

PUBLIC UTILITIES COMMISSION

DOCKET NO. 2006-0084

Instituting a Proceeding Under
Hawaii's Net Energy Metering
Law, Hawaii Revised Statutes
§§ 269-101 - 269-111, to
Investigate Increasing: (1) the
Maximum Capacity of Eligible
Customer-Generators to More Than
Fifty Kilowatts; and (2) the
Total Rated Generating Capacity
Produced by Eligible Customer-
Generators to an Amount Above
0.5 Percent of Peak Demand

ORDER NO. 22884

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2006 SEP 22 A 8:43
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Filed Sept. 21, 2006
At 2 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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PUBLIC UTILITIES COMMISSION)	Docket No. 2006-0084
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Instituting a Proceeding Under)	Order No. 22884
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Maximum Capacity of Eligible)	
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Total Rated Generating Capacity)	
Produced by Eligible Customer-)	
Generators to an Amount Above)	
0.5 Percent of Peak Demand)	
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ORDER

By this Order, the commission, on its own motion, amends Sections I, II, and III of the Stipulated Procedural Order filed by the Parties and Participant¹ on August 14, 2006,² to:

(1) include, as an issue to this proceeding, whether the commission should adopt, modify, or decline to adopt, in whole or

¹The commission named, as original parties to this proceeding, HAWAIIAN ELECTRIC COMPANY, INC., HAWAII ELECTRIC LIGHT COMPANY, INC., MAUI ELECTRIC COMPANY, LIMITED, KAUAI ISLAND UTILITY COOPERATIVE ("KIUC"), and the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY. See Order No. 22380, filed on April 10, 2006, in Docket No. 2006-0084. By Order No. 22535, filed June 16, 2006, the commission granted intervention to HAWAII RENEWABLE ENERGY ALLIANCE ("HREA") and HAWAII SOLAR ENERGY ASSOCIATION ("HSEA"), and participation without intervention to ZERO EMISSIONS LEASING LLC ("Zero Emissions"). The original parties, as well as HREA and HSEA, are hereinafter referred to as the "Parties," and Zero Emissions is referred to as the "Participant."

²The Stipulated Procedural Order filed by the Parties and Participant is attached as Exhibit 1 to this Order.

part, the standard for net energy metering articulated in Section 111(d)(11) of the Public Utility Regulatory Policies Act of 1978 ("PURPA"), as amended by the Energy Policy Act of 2005 ("EPAct") (16 U.S.C. § 2621(d)(11)), including consideration of whether, and the extent to which, the EPAct standard for net energy metering has already been met by Hawaii's Net Energy Metering Law, codified as Hawaii Revised Statutes ("HRS") §§ 269-101 to 269-111; and (2) order that, although the Parties and Participant may mutually agree to revise certain scheduled matters set forth in the Stipulated Regulatory Schedule, they may not do so with respect to the deadline for the filing of Final Statements of Position,³ and any deadline thereafter.

In addition, the commission amends the Stipulated Regulatory Schedule attached as Exhibit A to the Stipulated Procedural Order, as follows: (1) the Parties and Participant are required to file Final Statements of Position by October 1, 2007; (2) the prehearing conference is re-scheduled from September 17, 2007 to October 15, 2007; and (3) the evidentiary hearing shall be conducted in a panel hearing format and is re-scheduled from a date anytime after September 17, 2007 to the week of October 22, 2007, unless the commission determines a hearing is unnecessary

³As discussed further above, by this Order, the commission also revises the Stipulated Regulatory Schedule attached as Exhibit A to the Stipulated Procedural Order, to among other things, require the Parties and Participant to file Final Statements of Position by October 1, 2007.

after receiving all Final Statements of Position. See Exhibit A attached hereto, and incorporated herein by reference.⁴

I.

EPAct's Net Energy Metering Standard -
Amendments to Section I of the Stipulated Procedural Order

Sections 111(d)(11) and 112(b)(3)(A) of PURPA, as amended by EPAct, require the commission to commence consideration of the following matters governing net energy metering, no later than August 8, 2007:⁵

Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves. For purposes of this paragraph, the term 'net metering service' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to

⁴The attached Exhibit A, which incorporates the amendments to the Parties' and Participant's Stipulated Regulatory Schedule discussed herein, supercedes the Exhibit A attached to the Parties' and Participant's Stipulated Procedural Order.

⁵Section 102(a) of PURPA states:

This chapter applies to each electric utility in any calendar year, and to each proceeding relating to each electric utility in such year, if the total sales of electric energy by such utility for purposes other than resale exceeded 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year.

16 U.S.C. § 2612(a). Although KIUC's total sales of electrical energy may not exceed 500 million kilowatt-hours, given the nature of this docket and the public policy considerations at issue, the commission will also consider EPAct's net energy metering standard as applicable to KIUC.

the electric consumer during the applicable billing period.

16 U.S.C. § 2621(d)(11); see also 16 U.S.C. § 2622(b)(3)(A).

The commission finds that the foregoing standard under EAct is relevant to the issues in this docket, and that this standard can most efficiently and effectively be considered in this docket, as opposed to a separate docket. Accordingly, the commission includes consideration of the EAct standard for net energy metering as an issue in this docket, and amends Section I of the Stipulated Procedural Order as follows:⁶

I. STATEMENT OF THE ISSUES

The issues in this case are:

1. Should the maximum capacity for eligible consumer-generators established in HRS §§ 269-101.5 be increased to an amount above 50 kW, and if so, to what amount?
2. Should the total rated generating capacity produced by eligible consumer-generators established in HRS §§ 269-102 and 269-104 be increased to an amount above 0.5 percent of an electric utility's peak demand, and if so, to what amount?
3. Should the commission adopt, modify, or decline to adopt, in whole or part, the standard for net energy metering articulated in Section 111(d)(11) of PURPA, as amended by EAct (16 U.S.C. § 2621(d)(11)), including consideration of whether, and the extent to which, the EAct standard for net energy metering has already been met by Hawaii's Net Energy Metering Law (HRS §§ 269-101 to 269-111)?

⁶For all revisions herein, deletions are bracketed, and additions are underscored.

II.

Amendments to Sections II and III of the Stipulated Procedural Order

With respect to the Parties' and Participant's ability to amend the Stipulated Regulatory Schedule, Section II of the Stipulated Procedural Order provides:

Notwithstanding anything to the contrary contained herein, the Parties and Participant shall have the right to amend the Stipulated Regulatory Schedule as may be mutually agreed to by the Parties and Participant in writing from time to time; provided, however, that the agreement of the Participant shall only be required when the filing dates for the statements of position are amended. Such agreement to amend the Stipulated Regulatory Schedule shall be set forth in and by letter filed with the Commission and the Parties and Participant (as applicable) may mutually agree to revise any scheduled matter set forth therein except for the date of the Evidentiary Hearing, if any. Such letter shall constitute an amendment to this Stipulated Procedural Order upon filing with the Commission unless otherwise ordered by the Commission.

Stipulated Procedural Order, at 3-4.

As discussed further below, the commission, by this Order, revises the Parties' and Participant's Stipulated Regulatory Schedule by, among other things, requiring the Parties and Participant to submit Final Statements of Position by October 1, 2007. In this regard, the commission hereby rules that the Parties and Participant may amend scheduled matters in the Stipulated Regulatory Schedule, in the manner set forth in Section II of the Stipulated Procedural Order, only if the amended deadlines occur prior to the deadline established herein for the filing of Final Statements of Position. In addition, the

Parties and Participant may not amend the deadline for Final Statements of Position, and any deadline occurring thereafter, including the dates for the prehearing conference and panel hearing, and the deadlines for post-hearing opening and reply briefs.

Consistent with the foregoing, Section II of the Stipulated Procedural Order is revised as follows:

Notwithstanding anything to the contrary contained herein, the Parties and Participant shall have the right to amend the Stipulated Regulatory Schedule as may be mutually agreed to by the Parties and Participant in writing from time to time; provided, however, that the agreement of the Participant shall only be required when the filing dates for the [statements of position] Preliminary Statements of Position, Statements of Position, and Replies to Statements of Position are amended. Such agreement to amend the Stipulated Regulatory Schedule shall be set forth in and by letter filed with the Commission [and the Parties and Participant (as applicable) may mutually agree to revise any scheduled matter set forth therein except for the date of the Evidentiary Hearing, if any]. Such letter shall constitute an amendment to this Stipulated Procedural Order upon filing with the Commission unless otherwise ordered by the Commission. Notwithstanding the foregoing, the Parties and Participant may not amend the deadline for Final Statements of Position, and any deadline occurring thereafter, including the dates for the prehearing conference and panel hearing, and the deadlines for post-hearing opening and reply briefs without commission approval. The Commission reserves its authority to amend any scheduled matter in the Stipulated Regulatory Schedule upon its own motion.

Likewise, the commission revises Section III.E. of the Stipulated Procedural Order to provide:

These procedures are consistent with the orderly conduct of this docket. [Pursuant to Chapter 61, Subchapter 3, Section 6-61-37 of the Commission's Rules of Practice and Procedure, this] This Stipulated Procedural Order shall control the subsequent course[s] of these proceedings, unless modified [at or prior to the hearing to prevent manifest injustice.] by the Parties in writing and approved by the Commission, or upon the Commission's own motion.

III.

Amendments to the Stipulated Regulatory Schedule

The commission, on its own motion, amends the Stipulated Regulatory Schedule, by: (1) requiring the Parties and Participant,⁷ to file Final Statements of Position by October 1, 2007; (2) rescheduling the prehearing conference to October 15, 2007; and (3) scheduling a panel hearing for this docket for October 22, 2007. Simultaneous post-hearing opening briefs will still be due four weeks after the hearing transcript is completed; likewise, simultaneous post-hearing reply briefs will

⁷When the commission granted participation without intervention to Zero Emissions, it limited Zero Emissions' participation in this docket to the filing of a Statement of Position. See Order No. 22535, filed on June 16, 2006, in Docket No. 2006-0084. Consistent with Order No. 22535, the Parties and Participant agreed in the Stipulated Regulatory Schedule that Zero Emissions may file a Preliminary Statement of Position, a Statement of Position, and a Reply Statement of Position. In accordance with its decision herein, the commission rules that Zero Emissions may also file a Final Statement of Position by October 1, 2007. Accordingly, the paragraph on the first page of the Stipulated Regulatory Schedule is revised to read: "Consistent with Order No. 22535 and unless ordered otherwise, the Participant's participation in this proceeding will be limited to the submission of a Preliminary Statement of Position, a Statement of Position, [and] a Reply Statement of Position, and a Final Statement of Position." See Exhibit A, attached hereto.

be due three weeks after the filing of the opening briefs, as set forth in the Stipulated Regulatory Schedule.

IV.

Orders

THE COMMISSION ORDERS:

1. Section I of the Stipulated Procedural Order filed by the Parties and Participant on August 14, 2006, is amended to include, as an issue to this proceeding, whether the commission should adopt, modify, or decline to adopt, in whole or part, the standard for net energy metering articulated in Section 111(d)(11) of PURPA, as amended by EAct (16 U.S.C. § 2621(d)(11)), including consideration of whether, and the extent to which, the EAct standard for net energy metering has already been met by Hawaii's Net Energy Metering Law.

2. Consistent with Section II of this Order, the commission revises Sections II and III of the Stipulated Procedural Order by ordering that the Parties and Participant may not amend the deadline for Final Statements of Position, and any deadline occurring thereafter in the Stipulated Regulatory Schedule, including the dates for the prehearing conference and panel hearing, and the deadlines for post-hearing opening and reply briefs without commission approval.

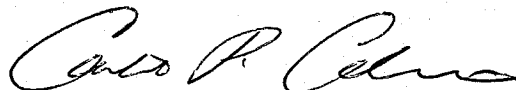
3. The commission amends the Stipulated Regulatory Schedule by: (1) requiring the Parties and Participant to file Final Statements of Position by October 1, 2007; (2) rescheduling the prehearing conference to October 15, 2007; and (3) scheduling

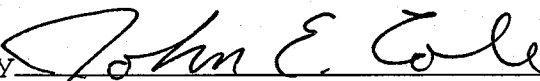
a panel hearing for this docket for the week of October 22, 2007, unless the commission determines a hearing is unnecessary after receiving all Final Statements of Position.

4. In all other respects, the Stipulated Procedural Order filed by the Parties and Participant on August 14, 2006, attached as Exhibit 1 hereto, is adopted as modified by this Order, and shall govern in this proceeding.


DONE at Honolulu, Hawaii SEP 21 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:


Kaiulani Kidani Shinsato
Commission Counsel

2006-0084.eh

EXHIBIT A
Page 1 of 2

Stipulated Regulatory Schedule
Proceeding to Investigate Net Energy Metering
Docket No. 2006-0084

PROCEDURAL STEPS	DATE
Informal Submission of Preliminary Statements of Position	February 16, 2007
Technical Meeting	April 6, 2007
Simultaneous Statements of Position	May 4, 2007
Simultaneous Information Requests to the Parties on their Statements of Position	May 25, 2007
Simultaneous Responses to Information Requests filed by the Parties on their Statements of Position	June 22, 2007
Simultaneous Replies to Statements of Position	July 20, 2007
Simultaneous Information Requests to the Replies to the Statements of Position	August 6, 2007
Simultaneous Responses to Information Requests filed by the Parties on the Replies to their Statements of Positions	August 31, 2007
Final Statements of Position	October 1, 2007
Prehearing Conference	October 15, 2007
Panel Hearing (unless deemed unnecessary by the Commission)	Week of October 22, 2007
Simultaneous Post-Hearing Opening Briefs	4 weeks after transcript completed and filed with the Commission
Simultaneous Post-Hearing Reply Briefs	3 weeks after the filing of the Opening Briefs

EXHIBIT A
Page 2 of 2

Consistent with Order No. 22535 and unless ordered otherwise, the Participant's participation in this proceeding will be limited to the submission of a Preliminary Statement of Position, a Statement of Position, a Reply Statement of Position, and a Final Statement of Position. As stated above, the Parties and Participant will exchange their filings, information requests and information request responses to the other Parties and Participant via diskette or e-mail in a standard electronic format that is readily available by the other Parties and Participant, to the extent that the information is available in electronic format. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain all formulae intact, and will not be entirely converted to values prior to submission. The Parties reserve the right to, collectively or individually, engage in settlement discussions at any time on any and/or all disputed issues that may exist between any of the Parties' respective positions in the subject docket. To the extent settlement discussions occur collectively amongst all Parties, the Participant shall receive notice and have the opportunity to participate in such settlement discussions, provided that the assent of the Participant shall not be required to any settlement reached by all or any of the Parties. In the event a settlement is reached by all or any of the Parties, the respective Parties will notify the Commission and any other Parties accordingly and make such changes to the remaining procedural steps as may be applicable or prudent under the circumstances, including but not limited to waiving any rights to a evidentiary hearing or limiting the scope of the hearing to any unresolved issues.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
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Generators to an Amount Above 0.5 percent of)
Peak Demand)
_____)

DOCKET NO. 2006-0084

PUBLIC UTILITIES
COMMISSION

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FILED

STIPULATED PROCEDURAL ORDER NO. _____

Filed _____, 2006

At _____ o'clock _____.M.

Chief Clerk of the Commission


BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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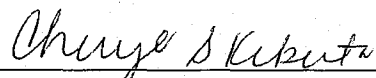
STIPULATED PROCEDURAL ORDER

Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc., Maui Electric Company, Limited, Kauai Island Utility Cooperative ("KIUC"), the Division of Consumer Advocacy ("Consumer Advocate"), Hawaii Renewable Energy Alliance ("HREA"), and Hawaii Solar Energy Association ("HSEA") (herein collectively referred to as "Parties"), and Zero Emissions Leasing LLC (hereinafter referred to as "Zero Emissions" or "Participant") hereby stipulate that the attached Stipulated Procedural Order is mutually acceptable to each.

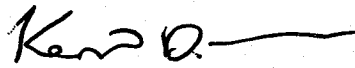
DATED: Honolulu, Hawaii, August 14, 2006.



WILLIAM A. BONNET
Vice President
Hawaiian Electric Company, Inc.
Hawaii Electric Light Company, Inc.
Maui Electric Company, Limited



CHERYL S. KIKUTA
Acting Executive Director
Division of Consumer Advocacy
Department of Commerce and Consumer Affairs



KENT D. MORIHARA, ESQ
Attorney for Kauai Island Utility Cooperative



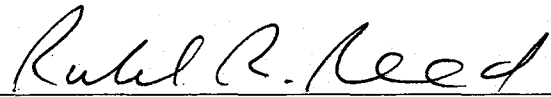
WARREN S. BOLLMEIER II
Hawaii Renewable Energy Alliance

RICHARD R. REED
Hawaii Solar Energy Association



ERIK W. KVAM
Zero Emissions Leasing LLC

KENT D. MORIHARA, ESQ
Attorney for Kauai Island Utility Cooperative



RICHARD R. REED
Hawaii Solar Energy Association

WARREN S. BOLLMEIER II
Hawaii Renewable Energy Alliance

ERIK W. KVAM
Zero Emissions Leasing LLC

BEFORE THE PUBLIC UTILITIES COMMISSION
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Peak Demand)	
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STIPULATED PROCEDURAL ORDER

On April 10, 2006, the Public Utilities Commission ("Commission") initiated an investigation to evaluate whether the Commission should increase: (1) the maximum capacity of eligible customer-generators to more than fifty (50) kilowatts ("kW"); and (2) the total rated generating capacity produced by eligible customer-generators to an amount above 0.5 percent of an electric utility's system peak demand, under Hawaii's Net Energy Metering Law, codified as Hawaii Revised Statutes ("HRS") §§ 269-101 to 269-111 ("Net Energy Metering Law").

By Order No. 22380, filed April 10, 2006, the Commission ordered any individual, entity, organization, or agency desiring to intervene as a party or to participate without intervention in this proceeding to file a motion to intervene or participate without intervention not later than twenty (20) days from the date of Order No. 22380 (i.e., May 1, 2006).

Order No. 22380 also directed Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc., Maui Electric Company, Limited (herein collectively referred to as the “Hawaiian Electric Companies”), KIUC, and the Consumer Advocate to submit, among other things, a stipulated procedural order for the Commission’s consideration and approval within forty five (45) days from the date of Order No. 22380 (i.e., May 25, 2006).

On April 19, 2006, HREA filed a Motion to Intervene with the Commission.

On April 27, 2006, HSEA filed a Motion to Intervene with the Commission.

On May 1, 2006, Zero Emissions filed a Motion for Participation without Intervention.

By letter dated May 25, 2006, the Hawaiian Electric Companies, KIUC, and the Consumer Advocate requested approval for a sixty (60) day extension, from May 25, 2006 until July 24, 2006, for the parties to file a stipulated procedural order.

By letter dated June 16, 2006, the Commission approved the request for a sixty (60) day extension, from May 25, 2006 until July 24, 2006, to file a stipulated procedural order.

By Order No. 22535, filed June 16, 2006, the Commission granted the Motions to Intervene of HREA and HSEA and the Motion to Participate without Intervention of Zero Emissions (collectively, the Hawaiian Electric Companies, KIUC, the Consumer Advocate, HREA and HSEA hereinafter referred to as “Parties”). The Commission in Order No. 22535 also limited Zero Emission’s (“Participant”) participation to the filing of a Statement of Position.

By letter dated July 21, 2006, the Parties and Participant requested approval for a three week extension, from July 24, 2006 until August 14, 2006, to file a stipulated procedural order.

By letter dated July 25, 2006, the Commission approved the request by the Parties and Participant for a three week extension, from July 24, 2006 until August 14, 2006, to file a stipulated procedural order.

The Parties and Participant have reached agreement on the procedural matters and submit this Stipulated Procedural Order which is acceptable to all.

ACCORDINGLY, IT IS ORDERED that the following Statement of the Issues, Schedule of Proceedings, and procedures shall be utilized in this docket.

I. STATEMENT OF THE ISSUES

The issues in this case are:

1. Should the maximum capacity for eligible consumer-generators established in HRS §§ 269-101.5 be increased to an amount above 50 kW, and if so, to what amount?
2. Should the total rated generating capacity produced by eligible consumer-generators established in HRS §§ 269-102 and 269-104 be increased to an amount above 0.5 percent of an electric utility's peak demand, and if so, to what amount?

II. SCHEDULE OF PROCEEDINGS

The Parties and Participant shall adhere to the schedule of proceedings set forth in the Stipulated Regulatory Schedule attached hereto as Exhibit "A".

Notwithstanding anything to the contrary contained herein, the Parties and Participant shall have the right to amend the Stipulated Regulatory Schedule as may be mutually agreed to by the Parties and Participant in writing from time to time; provided, however, that the agreement of the Participant shall only be required when the filing dates for the statements of position are amended. Such agreement to amend the Stipulated Regulatory Schedule shall be set forth in and by letter filed with the Commission and the Parties and Participant (as applicable)

may mutually agree to revise any scheduled matter set forth therein except for the date of the Evidentiary Hearing, if any. Such letter shall constitute an amendment to this Stipulated Procedural Order upon filing with the Commission unless otherwise ordered by the Commission.

The intent of the Parties and Participant in agreeing to a schedule at this time is to promote the efficient and cost-effective allocation of resources. Therefore, any changes to the schedule should be proposed only when there is an urgency or substantial competing need that cannot be reasonably accommodated without a change.

III. MISCELLANEOUS MATTERS TO FACILITATE AND EXPEDITE THE ORDERLY CONDUCT OF THESE PROCEEDINGS

A. Requests for Information

A Party to this proceeding may submit information requests to another Party within the time schedule specified in this Stipulated Procedural Order. To the extent practical, the Parties will cooperate (1) by exchanging information requests and responses as they become available, and (2) by resolving questions regarding information requests and responses informally to attempt to work out problems with respect to understanding the scope or meaning of information requests, or with respect to the availability of information. If a Party is unable to provide the information requested within the prescribed time period, it should so indicate to the inquiring Party as soon as possible. The Parties shall then endeavor to agree upon a later date for submission of the requested information. If the Parties are unable to agree, the responding Party may seek approval for the late submission from the Commission upon a showing of good cause. It is then within the Commission's discretion to approve or disapprove such late filings and take any additional action that may be appropriate, such as extending the date for the Party to respond.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials (e.g., documents over 50 pages), the documents or materials may be made available for reasonable inspection and copying at a mutually agreeable designated location and time. In the event such information is available on computer diskette or other readily usable electronic medium, the Party responding to the information request shall make the diskette or such electronic medium available to the other Parties and the Commission. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain all formulae intact, and will not be entirely converted to values prior to submission.

A Party shall not be required, in a response to an information request, to provide data that is/are already on file with the Commission or otherwise part of the public record, or that may be stipulated to pursuant to Part B, infra. The responding Party shall, in lieu of production of a document in the public record, include in its response to the information request an identification of the document with reasonable specificity sufficient to enable the requesting Party to locate and copy the document.¹ In addition, a Party shall not be required, in a response to an information request, to make computations, compute ratios, reclassify, trend, calculate, or otherwise rework data contained in its files or records.

A Party may object to responding to an information request that it deems to be irrelevant, immaterial, unduly burdensome, onerous or repetitious, or where the response contains information claimed to be privileged or subject to protection (confidential information). If a Party claims that information requested is confidential, and withholds production of all or a

¹ As practical, each Party will cooperate in making available documents that are already on file with the Commission or otherwise part of the public record and in reproducing (at reasonable charges), such public record documents as well as voluminous material referenced by such Parties designated by the requesting Parties and/or making available one copy of the designated documents for loan for a reasonable period of time to be reproduced by the requesting Party.

portion of such confidential information, the Party shall: (1) provide information reasonably sufficient to identify the confidential information withheld from the response, without disclosing privileged or protected information; (2) state the basis for withholding the confidential information (including, but not limited to, the specific privilege applicable or protection claimed for the confidential information and the specific harm that would befall the Party if the information were disclosed); and (3) state whether the Party is willing to provide the confidential information to some or all representatives of the Party pursuant to a protective order governing this docket.

A Party seeking production of documents notwithstanding a Party's claim of confidentiality, may file a motion to compel production with the Commission.

The responses of each Party to information requests shall adhere to a uniform system of numbering agreed upon by the Parties. For example, the first information request submitted by the Consumer Advocate in this docket shall be referred to and designated as "CA-IR-1," and a response to this information request shall be referred to and designated as "Response to CA-IR-1."

Each response shall be provided on a separate page and shall recite the entire question asked and set forth the response and/or reference the attached responsive document.

Generally, exhibits should include appropriate footnotes, or narratives inserted in the related document, setting forth the sources of the information used and explaining the methods employed in making statistical compilations or estimates.

B. Matters of Public Record

To reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that the Hawaiian Electric Companies and KIUC have filed with the Commission, published decisions of this or other Commissions, published scientific or economic statistical data, material and textbooks, technical or industry journals relating to electric utility matters, and specified parts of the record in previous Commission dockets shall be admissible in this proceeding without the necessity of reproducing each document; provided that the document to be admitted is clearly identified by reference to the place of publication, file or docket number, and the identified document is available for inspection by the Commission and the Parties and Participant; and further provided that any Party has the right to explain, qualify or conduct examination with respect to the identified document. The Commission can rule on whether the identified document can be admitted into evidence when a Party proffers such document for admission as evidence in this case.

From time to time, the Parties may enter into stipulations that such documents, or any portion of such documents, may be introduced into evidence in this case.

C. Copies of Testimony, Exhibits and Information Requests

1. Copies of Filings, Information Requests, Responses to Information Requests, Statement of Position:

Public Utilities Commission	Original + 8 copies
Consumer Advocate	3 copies
Hawaiian Electric Companies	3 copies
Kauai Island Utility Cooperative	2 copies
Hawaii Renewable Energy Alliance	1 copy
Hawaii Solar Energy Association	1 copy
Zero Emissions Leasing LLC	1 copy

2. All pleadings, briefs and other documents required to be filed with the Commission shall comply with the formatting requirements prescribed pursuant to Chapter 61, Subchapter 2, Section 6-61-16 of the Commission's Rules of Practice and Procedure and shall be filed at the office of the Commission in Honolulu within the time limit prescribed pursuant to Chapter 61, Subchapter 2, Section 6-61-15 of the Commission's Rules of Practice and Procedure.

3. Copies of all filings, information requests and information request responses should be sent to the other Parties and Participant by hand delivery or United States mail (first class, postage prepaid). In addition, if available, all Parties and Participant shall provide copies of their filings, information requests and information request responses to the other parties and participant via diskette, CD or e-mail in a standard electronic format that is readily available by the Parties and Participant. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain formulae intact, and will not be entirely converted to values prior to submission. The Parties and Participant agree to use Word 97, Word 2000 or Word 2003 as the standard programming format for filings in this case. However, if workpapers, documentation, or exhibits attached to any filing are not readily available in an electronic format, a Party or Participant shall not be required to convert such workpapers, documentation, or exhibits into an electronic format. Also, existing documents produced in response to requests need not be converted to Word 97/Word 2000/Word 2003 as long as the applicable format is identified. In the event a copy of a filing, information request or information request response is delivered to a Party or Participant via diskette or e-mail, unless otherwise agreed to by such Party or Participant, the same number of copies of such filing, information request or information request response must still be delivered to such Party or Participant by hand delivery or United States mail (first class, postage prepaid) as provided above.

D. Communications

Chapter 61, Subchapter 3, Section 6-61-29 of the Commission's Rules of Practice and Procedure concerning ex parte communications is applicable to any communications between a Party/Participant and the Commission. However, the Parties and Participant may communicate with Commission counsel on matters of practice and procedure through their own counsel or designated official.

Communications between the Parties and Participant should either be through counsel or through designated representatives. All pleadings, papers, and other documents filed in this proceeding shall be served on the opposing Parties and Participant. All motions, supporting memoranda, and the like shall also be served on opposing counsel, if any.

E. General

These procedures are consistent with the orderly conduct of this docket. Pursuant to Chapter 61, Subchapter 3, Section 6-61-37 of the Commission's Rules of Practice and Procedure, this Stipulated Procedural Order shall control the subsequent courses of the proceedings, unless modified at or prior to the hearing to prevent manifest injustice.

This Stipulated Procedural Order may be executed by the Parties and Participant in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The Parties and Participant may execute this Stipulated Procedural Order by facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

DONE at Honolulu, Hawaii, _____.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By _____
Carlito P. Caliboso, Chairman

By _____
John E. Cole, Commissioner

APPROVED AS TO FORM:

By _____
Kaiulani Kidani Shinsato
Commission Counsel

EXHIBIT A

Stipulated Regulatory Schedule Proceeding to Investigate Net Energy Metering Docket No. 2006-0084

PROCEDURAL STEPS	DATE
Informal Submission of Preliminary Statement of Positions	February 16, 2007
Technical Meeting	April 6, 2007
Simultaneous Statement of Positions	May 4, 2007
Simultaneous Information Requests to the Parties on their Statement of Positions	May 25, 2007
Simultaneous Responses to Information Requests filed by the Parties on their Statement of Positions	June 22, 2007
Simultaneous Replies to Statement of Positions	July 20, 2007
Simultaneous Information Requests to the Replies to the Statement of Positions	August 6, 2007
Simultaneous Responses to Information Requests filed by the Parties on the Replies to their Statement of Positions	August 31, 2007
Prehearing Conference	September 17, 2007
Evidentiary Hearing (if no settlement)	Any time after September 17, 2007
Simultaneous Post-Hearing Opening Briefs	4 weeks after transcript completed and filed with the Commission
Simultaneous Post-Hearing Reply Briefs	3 weeks after the filing of the Opening Brief

Consistent with Order No. 22535 and unless ordered otherwise, the Participant's participation in this proceeding will be limited to the submission of a Preliminary Statement of Position, a Statement of Position and a Reply Statement of Position. As stated above, the Parties and Participant will exchange their filings, information request and information request responses to the other Parties and Participant via diskette or e-mail in a standard electronic format that is readily available by the other Parties and Participant, to the extent that the information is available in electronic format. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain all formulae intact, and will not be

entirely converted to values prior to submission. The Parties reserve the right to, collectively or individually, engage in settlement discussions at any time on any and/or all disputed issues that may exist between any of the Parties' respective positions in the subject docket. To the extent settlement discussions occur collectively amongst all Parties, the Participant shall receive notice and have the opportunity to participate in such settlement discussions, provided that the assent of the Participant shall not be required to any settlement reached by all or any of the Parties. In the event a settlement is reached by all or any of the Parties, the respective Parties will notify the Commission and any other Parties accordingly and make such changes to the remaining procedural steps as may be applicable or prudent under the circumstances, including but not limited to waiving any rights to a evidentiary hearing or limiting the scope of the hearing to any unresolved issues.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Stipulated Procedural Order No. _____ upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P.O. Box 541
Honolulu, Hawaii 96809

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MAUI ELECTRIC COMPANY, LIMITED
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Certificate of Services

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ERIK W. KVAM
CHIEF EXECUTIVE OFFICER
ZERO EMISSIONS LEASING LLC
4188-4 Keanu Street
Honolulu, Hawaii 96816

Karen Higashi

DATED: _____

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22884 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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Page 2

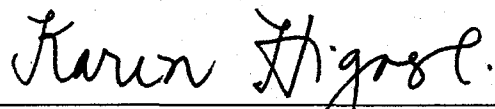
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Karen Higashi

DATED: SEP 21 2006